

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

VON KING, DANIELLE JOHNSON,
CHELSEA SHAW, JOY FLOWERS,
SUSAN KOLYNO, JACQUELINE
PERKINS, ARTHUR WILLIAMS and
JANE/JOHN DOE 1-9,

Plaintiffs,

v.

STATE OF GEORGIA,
GEORGIA DEPARTMENT OF LABOR, and
COMMISSIONER MARK BUTLER
in his official capacity

Defendants.

CIVIL ACTION 1:21-CV-03082-JPB

**DEFENDANTS' MOTION TO DISMISS PLAINTIFFS'
AMENDED COMPLAINT IN LIEU OF ANSWER**

COME NOW the State of Georgia, Georgia Department of Labor, and
Commissioner Mark Butler, Defendants in the above-styled action, by and through
counsel, the Attorney General of the State of Georgia, and file this Motion to
Dismiss Plaintiffs' Amended Complaint in Lieu of Answer. In support of their

Motion to Dismiss, Defendants rely on all pleadings on file in this case and the attached Brief in Support of their Motion to Dismiss.

Defendants seek dismissal of Plaintiffs' complaint because: (1) Sovereign immunity bars this suit as to the claims of Shaw, Kolyno, and King; (2) Johnson's claim must be dismissed because no remedy exists for her in this lawsuit as plead; and, (3) Plaintiffs' due process claims are not viable as Plaintiffs fail to allege, much less demonstrate, an adequate state-law remedy, and Plaintiffs fail to identify a cognizable property interest.

Thus, Defendants move to dismiss these claims due to lack of subject matter jurisdiction and failure to state a claim upon which relief can be granted pursuant to Federal rule of Civil Procedure 12(b)(1) and 12(b)(6).

Respectfully submitted this 18th day of January, 2022.

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s/Kimberly Blue Lewis

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CERTIFICATE OF SERVICE

I hereby certify that on January 18, 2022, I electronically filed the within and foregoing **DEFENDANTS' MOTION TO DISMISS PLAINTIFFS' AMENDED COMPLAINT IN LIEU OF ANSWER**, with the Clerk of Court using the CM/ECF system which will automatically send email notification of such filing to the following attorneys of record:

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